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13 *Attorneys for Defendants St. Jude Medical, LLC,  
Abbott Laboratories, and Pacesetter, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

18 RICHARD CONNELLY,  
19 Plaintiff,  
20 vs.  
21 ST. JUDE MEDICAL, INC., a  
22 Minnesota corporation; ABBOTT  
23 LABORATORIES AS THE  
24 SUCCESSOR IN INTEREST TO ST.  
25 JUDE MEDICAL, INC., an Illinois  
corporation; and PACESETTER, INC.,  
dba St. Jude Cardiac Rhythm  
Management Division, a Delaware  
corporation,  
26 Defendants.

Case No. 5:17-cv-02006-EJD

**STIPULATION AND [PROPOSED] ORDER  
EXTENDING DEADLINES FOR  
DEFENDANTS TO RESPOND TO  
PLAINTIFF'S PLEADINGS**

**Complaint Filed: April 11, 2017**

1           WHEREAS, on April 11, 2017, Plaintiff Richard Connelly (“Plaintiff”) filed a Complaint  
2 in the above-captioned matter;

3           WHEREAS, on June 23, 2017, Defendants St. Jude Medical, Inc., Abbott Laboratories,  
4 and Pacesetter, Inc. (collectively, “Defendants”) filed a Motion to Dismiss all claims in Plaintiff’s  
5 Complaint;

6           WHEREAS, on July 5, 2017, this Court approved the parties’ stipulation extending the  
7 deadlines for Plaintiff’s Opposition to the Motion to Dismiss and Defendants’ Reply in support of  
8 the Motion to Dismiss;

9           WHEREAS, on August 23, 2017, this Court granted in part and denied in part Defendants’  
10 Motion to Dismiss and ordered Plaintiff to file an amended complaint by September 8, 2017;

11          WHEREAS, Defendants are currently required to respond to the claims that were not  
12 dismissed by September 6, 2017;

13          WHEREAS, Plaintiff currently intends to file an amended complaint by September 8,  
14 2017;

15          WHEREAS, Defendants named in the Amended Complaint would be required to respond  
16 to an Amended Complaint filed on September 8, 2017 no later than September 22, 2017;

17          WHEREAS, given the desire to avoid filing an answer that would be mooted by the  
18 Amended Complaint and that can only address a portion of the pleadings that Plaintiff intends to  
19 amend, Plaintiff and Defendants agree an extension of the deadlines for Defendants to respond to  
20 the Complaint is warranted to avoid piecemeal pleadings and unnecessary expense;

21          WHEREAS, in addition, given international travel previously scheduled by lead defense  
22 counsel, Mr. Ring, and the complexity of the issues in this matter, Plaintiff and Defendants agree  
23 an extension of the deadlines for any defendants named in the Amended Complaint to respond is  
24 warranted to enable sufficient time to assess whether any further motion practice is warranted or  
25 whether any defendants will instead answer the anticipated Amended Complaint;

26          WHEREAS extending these deadlines will not impact any other existing deadlines in this  
27 matter.

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

- 2 1. Defendants shall not be required to respond to Plaintiff's Complaint by September 6,
- 3 2017.
- 4 2. If Plaintiff files an Amended Complaint by September 8, 2017, any defendant named
- 5 in the Amended Complaint must answer or otherwise respond no later than October
- 6 13, 2017.

7  
8 Dated: September 1, 2017

Respectfully submitted,

9  
10 /s/ Daniel L. Ring  
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*Attorneys for Plaintiff*

**LOCAL RULE 5(i)(3) ATTESTATION**

I, Daniel L. Ring, hereby attest, pursuant to Northern District of California, Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from each signatory.

/s/ Daniel L. Ring

## **[PROPOSED] ORDER**

Before this Court is the parties' Stipulation and [Proposed] Order Extending Deadlines for Defendants to Respond to Plaintiff's Pleadings. The Stipulation is **GRANTED**. It is **HEREBY ORDERED** that:

1. Defendants shall not be required to respond to Plaintiff's Complaint by September 6, 2017.
  2. If Plaintiff files an Amended Complaint by September 8, 2017, any defendant named in the Amended Complaint must answer or otherwise respond no later than October 13, 2017.

## **IT IS SO ORDERED.**

Dated: September 5, 2017



Hon. Edward J. Davila  
United States District Judge